



## NOTICE TO MEMBERS

09 April 2020

Ref: 20200409

[COVID-19: Industry Closure]

### Changes to the Registered and Licenced Clubs Award 2010

Our Award has been amended to now include up to 2-weeks unpaid pandemic leave, and includes Unpaid Pandemic Leave and Annual Leave at half pay which have been inserted into the Award as Schedule X. **Both these new provisions will apply until September 28.**

**Our Award including 'Schedule X' can be read in full here:**

[https://www.fwc.gov.au/documents/documents/modern\\_awards/award/ma000058/default.htm](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000058/default.htm)

#### Unpaid Pandemic Leave (Overview)

...any employee may elect to take up to 2 weeks' unpaid leave if the employee is required, by government or medical authorities or acting on medical advice, to self-isolate or is otherwise prevented from working by measures taken by government or medical authorities in response to the COVID-19 pandemic in circumstances where the employee is required to work at premises operated by an employer...

#### Annual leave at half pay (Overview)

...instead of an employee taking paid annual leave on full pay, the employee and their employer may agree to the employee taking twice as much leave on half pay. Any agreement to take twice as much annual leave at half pay must be recorded in writing and retained as an employee record...

### Accrual Rules when on JobKeeper

Schedule 1—Amendment of the Fair Work Act 2009

Part 1 — Amendments

*Fair Work Act 2009*

#### **789GS Accrual Rules**

- (1) If a jobkeeper enabling direction under section 789GDC (jobkeeper enabling stand down) applies to an employee, the employee accrues leave entitlements as if the direction had not been given.
- (2) If a jobkeeper enabling direction under section 789GDC (jobkeeper enabling stand down) applies to an employee, the following are to be calculated as if the direction had not been given:
  - (a) redundancy pay;
  - (b) payment in lieu of notice of termination.



- (3) If an employee takes paid annual leave in accordance with an agreement under subsection 789GJ(2), the employee accrues leave entitlements as if the agreement had not been made.
- (4) If an employee takes paid annual leave in accordance with an agreement under subsection 789GJ(2), the following are to be calculated as if the agreement had not been made:
  - (a) redundancy pay;
  - (b) payment in lieu of notice of termination.

### **Accrual of Long Service Leave during Covid-19 in NSW**

The CMAA is liaising with Industrial Relations NSW in relation to the accrual of Long service leave during Covid-19. This matter has been reviewed by Industrial Relations NSW who has advised as follows:

“The *Long Service Leave Act 1955* (the Act) provides full-time, part-time and casual workers in NSW to 2 months (8.6667 weeks) paid long service leave on completion of 10 years continuous service. Section 4(2)(a3) of the Act defines a month as 4 1/3 weeks (4.3333 recurring).

The continuous service of those workers who are subject to ‘stand down’ orders from their employer in response to Covid-19 is not likely to be broken and long service leave will continue to accrue during the ‘stand down’ period. However, if there are specific provisions in an employment contract or any enterprise agreement which deal with stand down, those provisions may impact upon whether or not a worker accrues long service leave while stood down”.

### **JobKeeper Wage Subsidy**

Wednesday 8<sup>th</sup> April 2020, the Parliament passed the JobKeeper Wage Subsidy Legislation.

Employers will be eligible for the subsidy if:

- their business has a turnover of less than \$1 billion and their turnover has fallen by more than 30 per cent; or
- their business has a turnover of \$1 billion or more and their turnover has fallen by more than 50 per cent; and
- the business is not subject to the Major Bank Levy.

The employer must have been in an employment relationship with eligible employees as at 1 March 2020, and confirm that each eligible employee is currently engaged in order to receive JobKeeper Payments. Not-for-profit entities (including charities) and self-employed individuals (businesses without employees) that meet the turnover tests that apply for businesses are eligible to apply for JobKeeper Payments. The JobKeeper Wage Subsidy is paid to qualifying businesses that have lost at least 30% in revenue due to the Covid-19 pandemic for a minimum 1 month period since 1<sup>st</sup> March 2020.



The Federal Government will pay each organisation directly a sum of \$1500 per fortnight for each eligible employee that has been stood-down or that is still operational. Business registration is required via the following link: [www.ato.gov.au/general/gen/JobKeeper-payment](http://www.ato.gov.au/general/gen/JobKeeper-payment)

Eligible employees are employees who:

- are currently employed by the eligible employer (including those stood down or re-hired);
- were employed by the employer at 1 March 2020;
- are full-time, part-time, or long-term casuals (a casual employed on a regular basis for longer than 12 months as at 1 March 2020);
- are at least 16 years of age;
- are an Australian citizen, the holder of a permanent visa, or a Special Category (Subclass 444) Visa Holder; and
- are not in receipt of a JobKeeper Payment from another employer.

If your employees receive the JobKeeper Payment, this may affect their eligibility for payments from Services Australia as they must report their JobKeeper Payment as income.

For further information on the Job keeper wage subsidy, please follow this link:

<https://treasury.gov.au/coronavirus/jobkeeper>

## **FREE Childcare**

Significant funding changes have been announced to assist families with childcare expenses during the Covid-19 Pandemic. If you have a child currently in childcare, or if you have recently suspended care, or recently withdrew your child from care, please contact your childcare centre to see if this announcement will benefit you. If you are not familiar with the announcement, please refer to: <https://www.theguardian.com/australia-news/2020/apr/02/free-childcare-what-do-the-governments-coronavirus-changes-mean-for-my-family>

## **Making changes to your Employment Agreement**

Managers who are required to still be operational and work through the 'industry closure' should be paid their weekly wage, or an amount mutually agreed between both the manager and the club. **It is essential that you document** any such arrangements and clearly state the following: Reduced Weekly Salary: \$[INCOME] (Gross); Week Commencing; Hours/ days to be worked; Tasks expected to be undertaken; Duration: Until the conclusion of the forced shutdown and to be reviewed on a monthly basis. Coercion or influence cannot be exercised when making these agreements. **Please do not rely on verbal or informal arrangements.**

## **Where else can I get assistance or further information?**

### National Treasury

The Federal Government has established the following resource via the National Treasury which offers information relating to the Federal Economic Response to the Coronavirus. Information also contained here also focusses on 'Supporting Individuals and Households', 'Support for Business', and 'supporting the flow of credit'. Ref: [www.treasury.gov.au](http://www.treasury.gov.au)



### Employer Bodies

For organisational issues, Clubs Australia, and their associated State Bodies are available to discuss all matters relating to the operation of your clubs. These associations all have information, or links, and or templates that can be utilised to assist Employers navigate the requirements imposed on the industry in their respective state. Contact details are as follows:

Clubs Australia	1300 730 001	<a href="http://www.clubsaustralia.com.au">www.clubsaustralia.com.au</a>
Clubs NSW	02 9268 3000	<a href="http://www.clubsnsw.com.au">www.clubsnsw.com.au</a>
Clubs QLD	07 3252 0770	<a href="http://www.clubsqld.com.au">www.clubsqld.com.au</a>
Canberra Community Clubs	0477 775 735	<a href="http://www.canberracommunityclubs.com.au">www.canberracommunityclubs.com.au</a>
Clubs ACT	02 6273 4694	<a href="http://www.clubsact.com.au">www.clubsact.com.au</a>
Clubs SA	08 8290 2200	<a href="http://www.clubssa.com.au">www.clubssa.com.au</a>
Community Clubs VIC	03 8851 4900	<a href="http://www.ccv.net.au">www.ccv.net.au</a>
Clubs NT/ Hospitality NT	08 8984 3650	<a href="http://www.ahant.com.au">www.ahant.com.au</a>
Clubs WA	08 9417 7149	<a href="http://www.clubswa.com.au">www.clubswa.com.au</a>
Tasmanian Hospitality Association	1300 125 827	<a href="http://www.tha.asn.au">www.tha.asn.au</a>

### **The Club Managers' Association Australia**

The Association continues to operate in a remote capacity to help you navigate through these difficult and ever changing times. Please remember that you can always reach out to any member of the CMAA team if you need help; we are here to support you, as always. CMAA IR team can be contacted anytime via:

<b>Allan Peter</b> Federal Secretary M: 0410 140 036 E: <a href="mailto:apeter@cmaa.asn.au">apeter@cmaa.asn.au</a>	<b>Peter Cooper</b> Senior Industrial Advocate M: 0407 404 118 E: <a href="mailto:peter@cmaa.asn.au">peter@cmaa.asn.au</a>	<b>Peta Imber</b> Industrial Relations Advisor M: 0404 880 324 E: <a href="mailto:peta@cmaa.asn.au">peta@cmaa.asn.au</a>
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The CMAA is your organisation here to help members through these difficult times. Please contact the CMAA anytime should you need assistance, guidance, or support.

The CMAA 'Notice to Members' correspondence is also available on our website via <https://www.cmaa.asn.au/MemberLogin> or on our App.

Wishing everyone a happy and safe Easter as you celebrate at home with members of your household. #stayhome #staysafe

Signed:

Allan Peter, Federal Secretary  
Club Managers' Association, Australia